

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, APRIL 8, 2003

The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Fasana called the meeting to order at 7:08 p.m.

- PLEDGE TO THE FLAG** Ernie Martinez led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A moment of reflection was observed for the family of Francisco Martinez Flores.
- CITY CLERK RECORDATION OF ATTENDANCE** The City Clerk recorded the following in attendance:
PRESENT: Fasana, Finlay, Paras, Reyes, Chapjian (arrived at 7:24 p.m.)
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Ralph Leech
- ADOPTION OF AGENDA** Reyes moved, Paras seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS** Ernie Martinez, Duarte Rotary Club, announced Breakfast with the Easter Bunny on April 19, 8:00 a.m., at the Community Center.
- Nita Norgard, Duarte, thanked the City, Parks and Recreation Department, and all involved in Family Wilderness Day, stated the trail crew did an exceptional job, and invited participation in the One Town, One Book program.
- FISCAL AFFAIRS** Finlay moved, Paras seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.
- Reyes moved, Finlay seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEM**
Presentation of Plaque
Irma Castruita
Mayor Pro Tem Fasana displayed the plaque for Irma Castruita in recognition of her serving as a Traffic and Safety Commissioner from January 2002 – February 2003, as she was not in attendance, and thanked her for her service to the City.
- ORAL COMMUNICATIONS** Lottie Walker, Heritage Park Apartments, stated she is beginning to see some results, inquired about progress made by staff, stated different people are paying different rent amounts, and provided a chart of rent increases. Duff responded.
- Lino Paras, Duarte, stated he thinks the City is doing its best and should be up front as to what it can and cannot do, discussed rent control and sequence of events for eviction, and stated the City Council can impose an ordinance about rent control or the people can take the initiative and present it to the voters.
- Mary Somerlott announced the student production of An Evening on Broadway on May 1, 2, and 3 at the PAC Center, and stated tickets are available at any school and the District Office.
- Duff stated with regard to Heritage Park Apartments, it is clear that the City has a limited amount of authority, and the intention is to do what we can in our role as facilitator.

CONSENT CALENDAR

Fasana moved, Finlay seconded to approve the Consent Calendar, as follows, with Fasana and Reyes abstaining from the Minutes of March 11, 2003, and carried unanimously.

Approve Items A, B.

Receive and File Items C, D.

COUNCIL BILL

Council Bill 03-O-02

Amendment to PERS Contract
(Second Reading)

Leech read by title Council Bill 03-O-02:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Second Reading)

Lino Paras, Duarte, stated when the MOU was passed, two Councilmembers were not present, his problem is Department Heads are included in the union, his opinion is Mr. Yelton has cooked the books in the past in the early 1990s to pass the utility tax, City Councilmembers have to vote their conscience, and stated there is no check and balance with the numbers.

Duff stated the Finance Director did not generate the numbers, they were generated by the State of California Public Employees' Retirement System, the State performed a three-month actuarial study that indicated the cost of the program, those numbers were presented to the City Council, the numbers were not generated by the Finance Director in any sense, and stated he objected to Mr. Paras' term "cook the books" as it is offensive.

Reyes asked if the increase in PERS retirement affected all employees, rank-and-file, management, and City Council. Duff responded that was correct.

Finlay moved, Chapjian seconded to waive further reading and adopt Ordinance No. 768, and failed by the following Roll Call vote:

AYES: Finlay, Chapjian

NOES: Reyes, Fasana, Paras

Fasana moved, Chapjian seconded to reconsider the vote.

Fasana stated he has concerns about this item, it is nothing personal in terms of the employees' work, he would have preferred to increase salaries through wage increases, increasing pensions is a long-term commitment, when the City Council approved the terms and conditions of the labor agreement, in terms of good faith collective bargaining, the Council committed itself to approving this, he opposes it and has spoken against it, in terms of respecting the collective bargaining process and having credibility on both sides and to avoid accusations of unfair business practices, this items needs to be approved, and stated for those reasons, he is prepared to vote yes.

Reyes stated he thinks the issue is the timing and current status, stated he supports rank-and-file, he is concerned about others, and stated he is not prepared today to support this.

The motion to reconsider the vote carried by the following Roll Call vote:

AYES: Fasana, Finlay, Chapjian

NOES: Paras, Reyes

ORDINANCE NO. 768

Fasana moved, Finlay seconded to adopt Ordinance No. 768, and carried by the following Roll Call vote:
AYES: Finlay, Fasana, Chapjian
NOES: Paras, Reyes

CITY MANAGER
2003 Fireworks Applications

Antonio Ogaz, L.U.L.A.C., thanked the City for allowing this to be used as a resource to develop community involvement and participation, and stated it is a way to bring people together and to celebrate the Fourth of July.

Finlay moved, Paras seconded to award licenses to sell safe and sane fireworks to the Duarte Community and Education Foundation, the Duarte High School Booster Club, Kiwanis Club of Duarte, and L.U.L.A.C., per staff recommendation.

Fasana stated he would welcome the time when banning fireworks might be considered, that is not the case at this time, the applications comply with the code as written, and stated he would vote in support of the applications.

The motion to award licenses to sell safe and sane fireworks to the four applicants carried unanimously.

“Blue Star” Program

Duff provided a staff report about the proposed “Blue Star” program in order to salute and honor the families of Duartean serving in the armed forces.

Finlay moved, Reyes seconded to authorize staff to implement the Blue Star program, per staff recommendation.

Fasana stated for those who have lost their lives, there is a gold star, and suggested that be implemented as well.

Reyes inquired about outreach, suggested a letter be sent to every household in Duarte explaining the program, stated we need to recognize those serving in the armed forces, and stated we do not do enough direct mailing.

Fasana asked that the letter be sent in Spanish as well.

Chapjian stated these things could have been included in the newsletter that he proposed.

Paras stated she thinks it is a good opportunity, as Veterans’ Day is celebrated in November, it is a good way to identify those who are serving now and those who have previously served, and felt if every household were notified, there would be more in attendance on Veterans’ Day.

The motion to authorize staff to implement the Blue Star program, per staff recommendation, carried unanimously.

Report – Duarte Community Services Council United Way funding

Duff presented a staff report about the funding provided to the Duarte Community Services Council from the United Way.

Finlay moved, Reyes seconded to receive and file the report.

Paras stated several members from the Duarte Community Services Council were in the audience, she appreciates the work they do in the community, this is a one-time grant that has been provided by the United Way, and she hopes the Community Services Council will publicize that employee contributions from other companies can be made.

Fasana stated the United Way indicated the Duarte Community Services Council is eligible to compete for this grant in the future, every allocation is on an annual basis, many Duarteans work for companies that run United Way campaigns, and the employees have the flexibility to designate and direct their gift to the Community Services Council.

The motion to receive and file the report concerning Duarte Community Service Council United Way funding carried unanimously.

ORAL COMMUNICATIONS

Ms. Rucker, Heritage Park Apartments, stated nothing has changed for her, the owner and management treat her like dirt and she cannot reason with them, she feels stress every day, and asked that staff not be disillusioned by them.

Mayor Chapjian stated a meeting will be held there with the manager and owners, and the City is moving as fast as it can, given our limitations.

Ernie Martinez, Duarte, stated he is glad the City is getting involved with Heritage Park Apartments, he would like to see a cable newsletter go out once a month or quarterly, sometimes the Chamber newsletter comes out after an event has occurred, thanked the Parks and Recreation Department for Wilderness Day festivities, and stated he is looking forward to easy access to Fish Canyon.

Steve Hernandez, Duarte, stated he is disappointed with people who accuse and blame, when he challenged a member of the Executive Committee of the Duarte Diversity Group to give him some proof, he was given an allegation involving an incident at the Mayor's Breakfast where there was a failure to mention that the group was started by a former Councilmember, Mr. Duff represents us, he is part of this community and deserves respect, Council cannot put themselves above the law or be vindictive, felt six million dollars in reserves comes from management and hard work, and thanked staff.

Jack Collins, Duarte, invited suggestions to be submitted for the One Town, One Book program, and stated you do not need to live in the City to make a suggestion. Mayor Chapjian stated he would provide information to Mr. Collins about the Cities that Read campaign.

Hal Firth, Duarte, stated he is tired of the vindictive, hateful accusations and lies, it divides the community, addressed a letter that was circulated about Mr. Torres' not being appointed to the Planning Commission, stated he was approached by Mr. Reyes about dropping charges pertaining to removal of campaign signs, and stated he thinks we need to speak the truth and stop driving a wedge through the heart of the community.

Lino Paras, Duarte, stated some support Mr. Duff and others do not, a simple way to solve accusations is to sue the person, when he said in his opinion Mr. Yelton cooked the books, he can sue him, if he is sued, he can prove it, with regard to someone destroying a sign in the last election, that is old news, he does not condone it, and during the Measure A campaign, he also saw someone destroy a sign.

Fasana asked Mr. Paras if cooking the books implies criminal activity. Mr. Paras stated it has a lot of meaning to everybody.

ITEMS FROM COUNCIL
Naming Park – Mountain Avenue
(Fasana)

Fasana stated it is his intent to ask that the new park on Mountain Avenue be named after Lena Valenzuela, and this request had been made at the community meeting held at Beardslee School.

Margaret Viramontes, Duarte, stated at the March 18 City Council Meeting, Steve Hernandez suggested naming the park after Catalina Valenzuela, known as Lena, stated she is special and deserves this acknowledgment, provided information and several examples about Mrs. Valenzuela's charitable gestures, involvement in schools, memberships in local community and service organizations, stated she loved the City of Duarte, the community has not forgotten her, displayed several awards, proclamations, certificates, and plaques Mrs. Valenzuela had received, and stated it would be appropriate to acknowledge her.

Finlay moved, Reyes seconded to approve Councilmember Fasana's recommendation to name the new park on Mountain Avenue after Lena Valenzuela.

Steve Hernandez, Duarte, stated Lena did not boast about her activities or service, she was always the first to respond, she is very caring and loving, and stated he has great respect for her.

Mrs. Valenzuela's niece stated she is overwhelmed that her aunt's name may be used for a park, her aunt is in Santa Teresita Hospital recovering from a stroke, she hopes this proposal will become a reality, stated other cities have stars on posts with servicemen's names on the stars, and felt that would be a nice gesture.

Bea Cardona, Mrs. Valenzuela's sister, stated she is proud and honored about this proposal, when she was growing up, there were no parks, they are descendants from way back, her father settled in Duarte in the early 1900s, Lena was a humanitarian and loved Duarte, and stated she is thankful that Council thought of her to name the park after her.

Lino Paras, Duarte, stated Lena is a kind lady, she does things because she wants to, there is no hypocrisy in her service to the community, he appreciates the initiative taken by Mr. Hernandez and Mrs. Viramontes to honor her, and he hopes the City Council honors this passive activist by naming the park after her.

Mrs. Viramontes introduced Mrs. Valenzuela's sons in the audience.

Fasana stated with regard to the wellness guide and grant, outreach was a critical part of that and Lena was there the entire time to make sure that document did reach out into the community, he recalled watching an interview on DCTV with Lena and her sister Bea, discussed how the community has changed during the years, stated Lena is a lifelong Duartean and leader in the community, and stated it is only appropriate to honor one of our own.

Paras recalled her experiences with Mrs. Valenzuela included working in the L.U.L.A.C. fireworks booth with her, she sees her as more than passive, she was humble in her awards and rewards given her by the community and her peers, and stated she hopes she is comfortable, and is glad the family is here.

Reyes stated he loves her, we all miss her, thanked the family

for her and for sharing her with the community, he hopes when the park is dedicated, Lena is in better health and can experience the honor, stated she was always deserving and never wanted the recognition, and thanked the City Council for supporting this.

Mayor Chapjian stated although he did not know her personally, Mrs. Valenzuela sounds like an exceptional woman, suggested a public art piece or plaque be placed in the park in her honor, and wished her well.

Finlay stated Lena Valenzuela is a real lady and a great lady, she stayed above the fray, she had a great deal of character, and she was held in high esteem in this community.

The motion to name the new park on Mountain Avenue after Lena Valenzuela carried unanimously.

Release of street repair bond
Parcel Map 25230
(Continued to 4/22/03)

Mayor Chapjian stated he received calls from a few residents asking that this item be postponed to the next meeting so they could speak, and asked if it was agreeable to the Council to continue the item. Council concurred.

REYES: 1) Thanked staff and City Council for lowering the flags for Francisco Martinez, inquired about local and national protocol, and asked if other businesses are contacted; 2) Stated this is a deep tragedy for the family and the community, he hopes the community can come together and be supportive of the family, and announced the Rosary on April 11, 7:00 p.m., at Santa Teresita, and Mass Services on April 12, 10:00 a.m., at Immaculate Conception; and 3) Thanked staff for bringing the Blue Star program forward.

FASANA: 1) Expressed appreciation to staff for the great event on Wilderness Day, stated this is an incredible resource, and he looks forward to having this facility available on a more frequent basis; 2) With regard to Mr. Paras' comments about cooking the books, stated Mr. Paras indicated he did not intend it in a criminal way; 3) With regard to the utility tax, stated if we had the foresight about the economic recovery, the tax may not have been implemented, noted Mr. Yelton is conservative in his projections, and stated that is how reserves are built; 4) Stated it is easy to cast aspersions on staff, but he thinks that those concerns should be made toward the City Council; 5) Regarding the PERS amendment, stated he does not think the Council has engaged in good faith bargaining, and he hopes in the future, decisions can be made up front to protect the interests of employees and the public; and 6) Stated he appreciates staff bringing forward the Blue Star program, and stated Francisco Martinez and his family have paid the ultimate price, and he would hope there could be another way to honor him as well.

Mayor Chapjian stated Congresswoman Solis called him today, she wanted him to convey and engage the interest of the City Council about naming the post office after Pfc. Francisco A. Martinez Flores, and she wanted to make sure there was City Council support, as the Postmaster General is agreeable to it. Fasana asked if action needed to be taken on this item this evening. Mayor Chapjian stated he did not believe this needed action, but she did want to know Council's opinion, and as long as she knew we were supportive, she could move forward. Council concurred.

PARAS: 1) Stated some have asked her about borrowing video

tapes of the Council Meeting from the library, as several people do not have the cable channel, and they would be interested in having that opportunity; and 2) Regarding the traffic calming device lines on Vineyard, stated it looks like you cannot park by the basketball courts, she would like to consider taking out the cross lines, and asked for a report back.

Mayor Chapjian inquired about having two tapes available at the library. Paras suggested staff look at the cost for two tapes per meeting for one year of meetings. Mayor Chapjian stated it should be available.

FINLAY: Suggested posting blue stars on the flag posts to honor those serving in our military overseas. Council concurred.

CHAPJIAN: 1) Thanked Levon and DCTV for taking care of the buzzing sound on the tapes of Council Meetings; 2) Stated Wilderness Day was a great event, and thanked staff; 3) Asked if City Council would like to interview the one applicant for the Community Services Commission prior to the next Council Meeting. It was agreed to schedule a 10-minute interview between the workshop and the Council Meeting; 4) Announced redevelopment workshop on April 22 at 5:00 p.m., where properties along Huntington Drive and potential redevelopment projects in the City will be discussed; and 5) Stated the Downtown Duarte workshop will be held prior to the first Council Meeting in May.

ADJOURNMENT

Finlay moved, Paras seconded to adjourn the meeting at 9:07 p.m., in memory of Marine Pfc. Francisco A. Martinez Flores, Jim Kline, Floyd Johnson, and Debbie Gurrola, and carried unanimously.

Mayor George Chapjian

ATTEST:

City Clerk